

224400.

January 26, 2009
~~June 24, 2008~~

The Honorable Anne K. Quinlan, Esq
Acting Secretary
Surface Transportation Board
Office of the Secretary
395 E Street, S.W.
Washington, D.C. 20423-0001

RE: Docket no. AB33 Sub No. 251(v)

Dear Ms. Quinlan,

Please find attached a Statement of Willingness to Assume Financial Responsibility in the above entitled matter currently before the Surface Transportation Board. The City of Madison, Wisconsin and the City of Fitchburg, Wisconsin have agreed to jointly assume all financial responsibility replacing entirely any responsibility previously assumed by the Wisconsin Department of Natural Resources (WisDNR), and subsequently assumed by the City of Madison alone.

I have served a copy of the new Statement of Willingness and Certificate of Service upon the Union Pacific Railroad and WisDNR, and forwarded a copy to the City of Madison, and the City of Fitchburg.

Thank you.

Kathleen Chung
Wisconsin Department of Transportation
4802 Sheboygan Av
P.O. Box 7910
Madison, WI 53707-7910
(608) 266-8810
kathleen.chung@dot.state.wi.us

BEFORE THE SURFACE TRANSPORTATION BOARD

UNION PACIFIC RAILROAD COMPANY
ABANDONMENT EXEMPTION IN DANE COUNTY

STATEMENT OF WILLINGNESS TO JOINTLY ACCEPT RESPONSIBILITY BY
THE CITY OF MADISON, WISCONSIN AND CITY OF FITCHBURG, WISCONSIN
PURSUANT TO 49 CFR 1152.29

In order to establish interim trail use and rail banking under 16 USC 1247(d) and 49 CFR 1152.29, the City of Madison, Wisconsin, jointly with the City of Fitchburg, Wisconsin are willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of and for the payment of any taxes or assessment that thereafter may be lawfully levied against the property acquired by City of Madison from Union Pacific Railroad Company in July 2008. The segment for which the Cities are making this Statement of Willingness is the following portion of the former rail line:

Central Soya Line, Harvard Subdivision, between Mile Post 85.5 Beltline in the City of Madison, Wisconsin and end of track at Mile Post 89.9 in the City of Fitchburg, Wisconsin, a distance of 4.4 miles in Dane County, Wisconsin.

A map depicting the property which has been jointly acquired by the Cities is attached to this pleading as Exhibit "1"

The City of Madison and the City of Fitchburg acknowledge that use of the property is subject to the Cities continuing to meet their responsibilities described above and subject to possible future reconstruction and reactivation of the property for rail service. A copy of this statement is being served on the railroad, Union Pacific Railroad Company, on the same date it is being served on the Surface Transportation Board.

CITY OF MADISON, WISCONSIN
a municipal corporation

By: 

David J. Cieslewicz, Mayor

Date: 12-17-08

Approved: 

Dean Brasser, City Comptroller

Date: 12/15/08

By: 

Marbeth Witzel-Behl, City Clerk

Date: 12/3/08


Eric T. Veum, Risk Manager

Date: 12/15/08

Approved as to Form


Michael P. May, City Attorney

Date: 16 December 2008

CITY OF FITCHBURG, WISCONSIN
a municipal corporation

By: Thomas Claudet
Thomas Claudet, Mayor

Date: 11-25-08

By: Linda J. Cory
Linda J. Cory, City Clerk

Date: 11-25-08

Execution of this Statement of Willingness by Madison is authorized by Resolution Enactment No RES-07-00780, File No 06858, adopted by the Common Council of the City of Madison on August 7, 2007

Execution of this Statement of Willingness by Fitchburg is authorized by Resolution R-61-07 adopted by the Common Council of the City of Fitchburg on July 24, 2007

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Statement of Willingness to Assume Financial Responsibility by the City of Madison in regards to AB33 251X, by electronic mail, pursuant to 49 C F R §1104.12, this 26th day of January 2009, on all parties of record on the service list

Kathleen Chung

Kathleen Chung, Attorney
State Bar no 1032802
Wisconsin Department of Transportation
Office of General Counsel